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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1990/104

1. This report is submitted in pursuance of Commission on Human Rights decision 1990/104, by which the Commission postponed to its forty-seventh session the debate under the sub-item of the agenda entitled "Question of human rights in Cyprus", it being understood that "action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation".

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees; considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities; called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. As the Secretary-General informed the Security Council in his report of 8 March 1990 (S/21183), the leaders of the Greek Cypriot and the Turkish

Cypriot communities had accepted his invitation to meet with him for an indefinite period of time beginning on 26 February 1990 to make a determined effort to arrive at an agreed outline of an overall agreement. In his opening statement on 26 February, the Secretary-General had set out the purpose for which the meeting had been called (see S/21183, paras. 4-8 and annex I). He had underlined the need, when completing the outline of an overall agreement, to deal with all the issues that comprise the Cyprus problem.

4. The Secretary-General had further stated that the task of arriving at an agreed outline would be facilitated if both leaders agreed to reflect, under the overall objectives of the agreement, the following understandings:

> "Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus. The mandate given to me by the Security Council makes it clear that my mission of good offices is with the two communities. My mandate is also explicit that the participation of the two communities in this process is on an equal footing. The solution that is being sought is thus one that must be decided upon by, and must be acceptable to, both communities. It must also respect the cultural, religious, social and linguistic identity of each community.
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> The 1977 and 1979 high-level agreements between the two communities, as well as the mandate entrusted to me by the Security Council, have set out the framework within which a solution must be found. The two communities and the Security Council have committed themselves to a solution that will ensure the sovereignty, independence, territorial integrity and non-alignment of Cyprus. The two communities have, in the 1979 high-level agreement, specifically rejected as options union in whole or in part with any other country and any form of partition or secession. The two communities have stated that they wish to establish a federation that is bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects."

5. In his report of 8 March, the Secretary-General informed the Council that his talks with the leaders, which took place from 26 February to 2 March, did not achieve any progress owing to conceptual difficulties that emerged from the very outset of the meeting and which were reflected in the introduction of new terminology (see S/21183, para. 13).

6. After considering his report of 8 March, the Security Council unanimously adopted resolution 649 on 12 March 1990 in which it inter alia:

> "Reaffirms in particular its resolution 367 (1975) as well as its support for the 1977 and 1979 high-level agreements between the leaders of the two communities in which they pledged themselves to establish a bi-communal Federal Republic of Cyprus that will safeguard its independence, sovereignty, territorial integrity and non-alignment, and exclude union in whole or in part with any other country and any form of partition or secession;
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> Expresses its full support for the current effort of the Secretary-General in carrying out his mission of good offices concerning Cyprus;

Calls upon the leaders of the two communities to pursue their efforts to reach freely a mutually acceptable solution providing for the establishment of a federation that will be bi-communal as regards the constitutional aspects and bi-zonal as regards the territorial aspects in line with the present resolution and their 1977 and 1979 high-level agreements, and to co-operate, on an equal footing, with the Secretary-General in completing, in the first instance and on an urgent basis, an outline of an overall agreement, as agreed in June 1989;

Requests the Secretary-General to pursue his mission of good offices in order to achieve the earliest possible progress and, toward this end, to assist the two communities by making suggestions to facilitate the discussions;

Calls on the parties concerned to refrain from any action that could aggravate the situation."

7. The unanimous adoption of resolution 649 (1990) was an important development. In that resolution, the Council made it clear once again that the Secretary-General's mission of good offices was addressed expressly to the two communities, which are the participants in the process to achieve, on an equal footing, an agreed solution to the Cyprus problem. The Council also made it clear that the specific solution to be worked out had to be a bi-communal and bi-zonal federation that would ensure the sovereignty, independence, territorial integrity and non-alignment of Cyprus and would exclude union in part or in whole with any other country or any form of partition or secession.

8. During subsequent consultations in Nicosia, both leaders confirmed that they were committed to all aspects of resolution 649 (1990) and that they would co-operate fully with the Secretary-General in accordance with that resolution. They also affirmed their agreement with the understandings set out in paragraph 4 above.

9. In his report to the Council of 12 July 1990 (S/21393), the Secretary-General had stated that it was important that the two leaders meet with him as soon as possible to agree on an outline and to launch negotiations of an overall agreement. However, after the disappointment of the 26 February-2 March 1990 meeting, it should first be ensured that such a meeting will yield the intended results. He therefore proposed that separate discussions take place to prepare the ground. Once an agreed outline was within reach he would invite the two leaders to meet with him personally to complete this task.

10. After considering the Secretary-General's report of 12 July 1990, the President of the Security Council made a statement on 19 July 1990 on behalf of its members (S/21400) in which he, inter alia, stated that the members of the Council were unanimous in giving their total support to the Secretary-General's current effort, that they agreed with his assessment of recent developments, shared his concern about the lack of progress, and endorsed his plan of action. The President of the Council further stated that its members attached importance to an early negotiated settlement of the Cyprus problem and called on the leaders of the two communities to co-operate fully with the Secretary-General on the basis of his plan of action and to agree on an urgent basis to an outline of an overall agreement. The members

of the Council again called on the parties concerned to refrain from any action or statement that could aggravate the situation.

11. In his report of 7 November 1990 (S/21932), the Secretary-General reiterated his concern about the negative atmosphere which continued to prevail. In this connection, he recalled the statement made by the President of the Security Council on 19 July 1990 conveying the concern of its members over any action that contravened paragraph 5 of resolution 550 (1984) and paragraph 5 of resolution 649 (1990), and calling upon both communities to concentrate their efforts on promoting mutual confidence and reconciliation (S/21400).

12. The Secretary-General informed the Council that his colleagues had had a number of meetings with the leaders of the two sides to explore the possibility of bringing together the elements of an outline with which the two sides can agree. He also informed the Council that they had visited Ankara and Athens where they discussed his current effort with the Greek and Turkish Foreign Ministers and other officials. In the course of these talks, issues and possible solutions related to some of the headings of an outline were considered. The Secretary-General informed the Council that these discussions had not been completed and that it was important that this be achieved as quickly as possible. He proposed to submit a progress report to the Security Council within three months together with his assessment of the situation at that time.

13. After considering his report of 7 November 1990, the President of the Council issued a statement on behalf of its members on 9 November 1990 (S/21934), in which inter alia they reiterated their full support for the Secretary-General's current effort and reaffirmed their endorsement of his plan of action to complete an outline of an overall agreement covering the critical substantive issues specified in the Secretary-General's report to the Council of 8 March 1990 (S/21183, para. 7). The members of the Council reaffirmed resolution 649 (1990) and stressed the urgent need to arrive at a negotiated settlement of the Cyprus problem and express their regret that an outline of an overall agreement had not yet been completed. The members of the Council requested the parties concerned to extend to the Secretary-General their full co-operation and to refrain from taking any action or making any public statement that could further complicate his effort. The members of the Council requested the Secretary-General to report to the Council by 15 February 1991 on the outcome of his effort to arrive at an agreed outline of an overall agreement and to provide the Council with his assessment of the situation at that time. The members of the Council stated that they would examine closely the Secretary-General's report and assessment, particularly as they relate to the resolution of the substantive issues in the outline.

14. Pending a settlement, the UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots, whose number stood at 593 at the beginning of December 1990, living in the northern part of the island. In line with the Vienna III agreement concerning the support provided by UNFICYP to the Greek Cypriot population living in the northern part of the island, the Liaison Post at Leonarisso was reopened in May 1990 and manned by Swedish Civilian Police (SWEDCIVPOL) in conjunction with personnel from the Austrian Contingent. UNFICYP has also continued to make periodic visits to Turkish Cypriots living in the southern part and to help them maintain contact with their relatives in the northern part. UNFICYP

officers have continued to interview, in private, Greek Cypriots who apply for permanent transfer to the southern part, in order to verify that all transfers take place voluntarily. Eight such transfers took place during the period 1 December 1989 to 30 November 1990. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots living in the northern part to the southern part for family and other reasons. During the period mentioned above, there were 1,179 such visits. Contacts between members of the Maronite community living on opposite sides of the cease-fire lines continued to be frequent.

15. On 19 July 1990, the Government of Turkey transferred the responsibility for the security of the fenced area of Varosha to the Turkish Cypriot Security Forces. This change caused an increase in political tension. In his report to the Security Council on the United Nations Operation in Cyprus of 7 December 1990 (S/21981), the Secretary-General recalled that in his report of 29 May 1987 he had stated that "I have reiterated on several occasions to the Turkish and Turkish Cypriot authorities that the United Nations considers the Government of Turkey responsible for maintaining the status quo in the fenced area of Varosha" (S/18880, para. 28). Students continue to be accommodated in two hotels inside the fenced area and it has not yet been possible to obtain a date for their departure.

16. Between 1 December 1989 and 30 November 1990 the Committee on Missing Persons in Cyprus (CMP) held nine sessions comprising 44 meetings. On 11 April 1990, the CMP issued a communique outlining its activities and the difficulties it faced in accomplishing its task. The communique has been reproduced in full in the annex of the Secretary-General's report on the United Nations Operation in Cyprus dated 31 May 1990 (S/21340).

17. The activities of UNFICYP, including those related to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the United Nations Operations in Cyprus (S/21340 and S/21981). A more detailed account of the Secretary-General's mission of good offices in Cyprus are contained in his last three reports to the Security Council (S/21183, S/21393 and S/21932).